

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
GERALD E. KANE	:	
	:	
Debtor	:	BANKRUPTCY NO. 21-134 elf

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CSMS 2018 Trust, SELECT PORTFOLIO	:	
Movant	:	
GERALD E. KANE	:	
and KENNETH E. WEST	:	
Respondents	:	

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF OF CSMS 2018 TRUST et al**

Debtor, by and through Joseph F. Claffy, Esquire, his attorney, contests the Motion for Relief sought by Movant and in support thereof avers as follows:

1. Denied. Debtor has no knowledge of whether or not movant is in fact the proper party in interest and therefore must deny its right to standing demanding strict proof.

2. Admitted.

3. Denied. Debtor has no knowledge of whether or not movant is in fact the proper party in interest holding the mortgage and note and therefore must deny the allegation demanding strict proof.

4. Admitted.

5. Admitted.

6. Denied as stated. Debtor has been negotiating with movant for a loan modification and to facilitate such has been refraining from making payments which would conceivably cancel or hinder the process. The notion that co-debtor had any choice or involvement is denied. Strict proof demanded.

7. Admitted that all parties hereto have incurred legal fees. By way of further answer, Debtor was never informed of the status of the modification process and therefore this motion may have been unnecessary.

8. Denied. Debtor has no knowledge of the computation of the figure alleged and therefore denies same, demanding strict proof at trial.

9. Denied as a conclusion of law.

10. Denied as a request for declaratory relief.

WHEREFORE, respondent debtor requests that the court deny the motion.

Respectfully submitted:

/s/ Joseph F. Claffy  
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